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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054551
Party	Defendant Douglas Burda
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Submission	Other Motions/Papers
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Signature	/Douglas Burda/
Date	02/20/2012
Attachments	Errata to Registrant's Motion for Default Judgment.pdf ( 6 pages )(456912 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**ANDREY PINSKY**

**Petitioner,**

**v.**

**Cancellation No. 92054551**

**DOUGLAS BURDA**

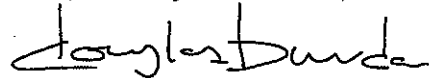
**Respondent.**

**ERRATA TO REGISTRANT'S MOTION FOR DEFAULT JUDGMENT**

Respondent, Douglas Burda (Registrant) hereby files this Errata to correct typographical errors in Registrant's brief in support of Registrant's Motion for Default Judgment filed on February 15, 2012. The corrections are applicable to: (a) the first paragraph on page 2 (paragraph continued from page 1), and (b) the last paragraph and footnote on page 6. The corrected pages are attached hereto as Exhibit 1 and Exhibit 2, respectively.

February 20, 2012

Respectfully submitted,



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**ANDREY PINSKY**

**Petitioner,**

**v.**

**Cancellation No. 92054551**

**DOUGLAS BURDA**

**Respondent.**

**REGISTRANT'S EXHIBIT 1 TO REGISTRANT'S ERRATA TO REGISTRANT'S  
MOTION FOR DEFAULT JUDGMENT**

email dbb@konceptlaw.com" of each such request. Registrant did not receive such email correspondence of November 22, 2011 and Petitioner denied Registrant's request for proof of same.

3. On December 1, 2011, the Board issued its Discovery Conference Summary specifying, *inter alia*, that anything less than strict compliance by the parties with the applicable rules would not be tolerated by the Board.
4. On December 5, 2011, Petitioner filed with the Board its alleged Request for Reconsideration of the Discovery Conference Summary.
5. On December 7, 2011, Petitioner filed with the Board its Summary of Telephone Conference.
6. On December 7, 2011, Petitioner filed with the Board a reminder of its alleged Request for Reconsideration and filed same with the Board via facsimile.
7. On December 15, 2011, prior to any action on Petitioner's previous filings, Petitioner filed with the Board its Request to Remove the Board Attorney (that Request is now shielded from public view), and filed same with the Board via facsimile.
8. On December 30, 2011, despite stating previously that Petitioner would be out of its office during such time, Petitioner filed with the Board its Declaration of Andrey Pinsky, erroneously listed on TTABVue as "PL INITIAL DISCLOSURES".
9. On December 30, 2011, despite stating previously that Petitioner would be out of its office during such time, Petitioner filed with the Board its Discovery Request.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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**ANDREY PINSKY**

**Petitioner,**

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**DOUGLAS BURDA**

**Respondent.**

**REGISTRANT'S EXHIBIT 2 TO REGISTRANT'S ERRATA TO REGISTRANT'S  
MOTION FOR DEFAULT JUDGMENT**

also that “methods employing the U.S. Postal Service are not available to [Petitioner].” See January 5 Order at 5. The Board further ruled that “the requirement for compliance with Trademark Rule 2.119, and the additional requirement that any agreement to use electronic means of service must be the subject of a signed stipulation filed with the Board, remains in effect.” Nevertheless, here, Petitioner previously sought, and continues to seek, to avoid the requirements for acceptable methods of service.

Petitioner has in some instances has wholly failed to serve papers at all on Registrant in blatant violation of the rules. For example, Petitioner did not serve serve Petitioner’s: (a) Requests for Board participation in the discovery conference, (b) Request for Revised Order of December 5, 2011, (c) Summary of Telephone Conversation of December 7, 2011, (d) Letter to Ms. Dunn of December 7, 2011, (e) Letter to Judge Rogers of December 15, 2011,

In other instances, Petitioner has utilized methods of service not available to Petitioner. For example, Petitioner sent the following to Registrant via Canadian Post: (a) Motion to Compel of January 4, 2012, (b) Second Letter to Judge Rogers of January 16, 2012, (c) Threatened Motion to Compel and bar complaint of February 13, 2012 (not received at the time of this filing).

In another instance, Petitioner sought service of papers on Registrant by email despite Petitioner’s adamant opposition to same and the lack of any agreement between the parties regarding same. See Petitioner’s Second Request for Board participation in the discovery conference.<sup>5</sup>

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<sup>5</sup> Petitioner clearly states “Copy to the Registrant via email dbb@konceptlaw.com”. However, Registrant never received such email and when Registrant requested proof of same from Petitioner, Petitioner refused.

### **CERTIFICATE OF ELECTRONIC FILING**

I certify that a true and complete copy of the foregoing ERRATA TO REGISTRANT'S MOTION FOR DEFAULT JUDGMENT is being electronically transmitted to the Trademark Trial and Appeal Board, U.S. Patent and Trademark Office on February 20, 2012.

By:   
Douglas Burda

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing ERRATA TO REGISTRANT'S MOTION FOR DEFAULT JUDGMENT has been served on Andrey Pinsky by mailing said copy on February 20, 2012 via First Class Mail International, postage prepaid to:

ANDREY PINSKY  
PINSKY LAW  
45 SHEPPARD AVE EAST SUITE 900  
TORONTO, ON M2N 5W9  
CANADA

By:   
Douglas Burda